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The following constitutes
the order of the court. Signed December 11, 2009


Marilyn Morgan
U.S. Bankruptcy Judge

7
8 Attorneys for US BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR WFMBS 2004-W
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10

11 UNITED STATES BANKRUPTCY COURT
12 NORTHERN DISTRICT OF CALIFORNIA - SAN JOSE DIVISION

13 In re

Case No. 09-54416-MM

14 TED B ZANELLA AND ANALISA
15 ZANELLA,

Chapter 13

16 R.S. No. KLJ-463
17
18 ORDER GRANTING MOTION FOR
19 RELIEF FROM AUTOMATIC STAY
20
21 Debtor(s).

DATE: October 28, 2009

TIME: 3:00 PM

CTRM: 3070

22 Northern District of California - San Jose
Division
United States Bankruptcy Court
280 S 1st St. #3035
San Jose, CA 95113-3004

23 The above-captioned matter came on for hearing on October 28, 2009, at 3:00 PM, in
24 Courtroom 3070, upon the Motion of US Bank National Association, as Trustee for WFMBS
25 2004-W ("Movant"), for relief from the automatic stay of 11 U.S.C. § 362, to enforce its interest
26 in the property of Ted B Zanella and Analisa Zanella ("Debtors") commonly known as 1962
27 Two Iron Court, Fernley, Nevada 89408 (the "Real Property"), which is legally described as
28 follows:

LOT 694, AS SHOWN ON THE FINAL PLAT OF DESERT LAKES SUBDIVISION, RECORDED IN THE OFFICIAL RECORDS OF LYON COUNTY, NEVADA ON JANUARY 4, 1996 AS DOCUMENT NO. 188868, AND AMENDED BY CERTIFICATE OF AMENDMENT, RECORDED ON JUNE 14, 1996 AS DOCUMENT NO. 194392.

APN: 20-545-05

Appearances as noted on the record.

Based on the arguments of counsel, and good cause appearing therefor,

IT IS HEREBY ORDERED:

1. The automatic stay of 11 U.S.C. § 362, is hereby terminated as it applies to the enforcement by Movant of all of its rights in the Real Property under Note and Deed of Trust;

2. Movant is authorized to foreclose its security interest in the Real Property under the terms of the Note and Deed of Trust, and pursuant to applicable state law;

3. The 10-day stay provided by Bankruptcy Rule 4001 (a)(3) is waived;

4. Post-petition attorney's fees and costs for the within motion may be added to the outstanding balance of the subject Note as allowed under applicable non-bankruptcy law;

5. Upon foreclosure, in the event Debtors fail to vacate the Real Property, Movant may proceed in State Court for unlawful detainer pursuant to applicable state law;

6. Upon entry of this Order, the Chapter 13 Trustee shall cease making payments in regard to Movant's claim filed in this bankruptcy case;

7. Movant may offer and provide Debtors with information re: a potential Forbearance Agreement, Loan Modification, Refinance Agreement, or other Loan Workout/Loss Mitigation Agreement, and may enter into such agreement with Debtors. However, Movant may not enforce, or threaten to enforce, any personal liability against Debtors if Debtors' personal liability is discharged in this bankruptcy case; and

8. This Order shall be binding and effective despite any conversion of this bankruptcy case to a case under any other chapter of Title 11 of the United States Code.

** END OF ORDER **

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